

(3) When any agreement such as is referred to in clause (b) of subsection (1) has been entered into, then—

(a) where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board, or as the case may be, such other local authority) which is specified in this behalf in the agreement,—

(i) shall have the same powers to establish octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control,

(ii) shall have the same powers of collecting such octroi, terminal tax or toll in the aggregate area and the provisions of any enactment in force relating to the levy of such octroi, terminal tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;

(b) the total of the collection of such octroi, tax or toll made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.

50. *Report on administration.*—(1) Every Board shall, as soon as may be after the close of the financial year and not later than the date fixed in this behalf by the Central Government, submit to the Central Government through the General Officer Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the Central Government may direct.

(2) The comments if any, of the General Officer Commanding-in-Chief, the Command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the Central Government along with the report.

Control

51. *Power of Central Government to require production of documents.*—The Central Government or such officer or authority as may be authorised by the Central Government in this behalf may at any time require a Board—

(a) to produce any record, correspondence, plan or other document in its possession or under its control;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works;

(c) to furnish or obtain and furnish any report.

52. *Inspection*.—The Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its officers and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

53. *Power to call for documents*.—The General Officer Commanding-in-Chief, the Command or the Principal Director, may, by order in writing,—

(a) call for any book or document in the possession or under the control of the Board;

(b) require the Board to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

54. *Power to require execution of work, etc.*—If, on receipt of any information or report obtained under section 51 or section 52 or section 53, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director is of opinion—

(a) that any duty imposed on a Board by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty,

it or he may direct the Board, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Provided that unless in the opinion of the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, the immediate execution of such order is necessary, it or he shall, before making any direction under this section, give the Board an opportunity of showing cause why such direction should not be made.

55. *Power to provide for enforcement of direction under section 54*.—If, within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section has not been duly taken, the Central

Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

56. *Power to override decision of Board.*—(1) If the President dissents from any decision of the Board which he considers prejudicial to the health, welfare, discipline or security of the Forces in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the General Officer Commanding-in-Chief, the Command.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the Central Government no action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the president shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of communication being made to the District Magistrate and of his taking proceedings as provided in sub-section (2).

(4) If the Chief Executive Officer considers any decision of the Board taken at a meeting, to be in contravention of the provisions of this Act, rules, regulations or bye-laws made thereunder and the general guidelines issued by the Central Government from time to time in this regard, he may, for reasons to be recorded in writing and after informing the President in this behalf, forthwith refer the matter to the Principal Director who shall if considered appropriate direct the suspension of action on the said decision for a period not exceeding one month.

(5) The Principal Director shall, for reasons to be recorded in writing of the reference made under sub-section (4), refer the matter to the General Officer Commanding-in-Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to Director General Defence Estates.

57. *Power of Central Government to review.*—The Central Government may at any time, review any decision or order of the Board or the General Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit.

Provided that where it is proposed to modify a decision or order of the Board reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified.

58. *Power of General Officer Commanding-in-Chief, the Command, on reference under section 56 or otherwise.*—(1) The General Officer Commanding-in-Chief, the Command, may at any time—

(a) direct that any matter or any specific proposal other than one which has been referred to the Central Government under sub-section (2) of section 56 be considered or reconsidered by the Board; or

(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (1) of section 56, and thereafter cancel the suspension or after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-sections (1) and (4) of section 56, the General Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action; or

(b) extend the duration of the order for such period as he thinks fit; or

(c) after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.

59. *Power of Central Government on a reference made under section 56.*—

(1) When any decision of a Board has been referred to the Central Government under sub-section (2) of section 56, the Central Government may, after consulting the General Officer Commanding-in-Chief, the Command, by order in writing,—

(a) direct that no action be taken on the decision; or

(b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

60. *Supersession of Board.*—(1) If, in the opinion of the Central Government, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law,

or exceeds or abuses its powers, the Central Government may by an order published together with the statement of the reasons therefor, in the official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order:

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession,

(2) When a board is superseded by an order under sub-section (1)—

(a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c);

(b) during the supersession of the Board, all powers and duties conferred and imposed upon the board by or under this Act shall be exercised and performed by the Officer Commanding the station, or by such officer as may be authorised by the Central Government, subject to such reservation if any, as the Central Government may prescribe in this behalf; and

(c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

Validity of proceedings

61. *Validity of proceedings, etc.*—(1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of a Board or any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV

DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

62. *Duties of Board*.—It shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

- (i) lighting streets and other public places;
- (ii) watering streets and other public places;
- (iii) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (iv) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (v) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (vi) securing or removing dangerous buildings and places;
- (vii) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (viii) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;
- (ix) planting and maintaining trees on roadsides and other public places;
- (x) Providing or arranging for a sufficient supply of potable water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;
- (xi) registering births and deaths;
- (xii) preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;
- (xiii) establishing and maintaining or supporting public hospitals, maternity and child welfare centres and dispensaries, and providing public medical relief;
- (xiv) establishing and maintaining or assisting primary schools;
- (xv) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;

(xvi) maintaining and developing the value of property vested in or entrusted to, the management of the Board;

(xvii) establishing and maintaining civil defence services;

(xviii) preparing and implementing town planning schemes;

(xix) preparing and implementing plans for economic development and social justice;

(xx) naming and numbering of streets and premises;

(xxi) according or refusing permission to erect or re-erect buildings;

(xxii) organising, promoting or supporting cultural and sports activities;

(xxiii) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(xxiv) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

63. *Power to manage property.*—A Board may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 346.

64. *Discretionary functions of Board.*—(1) A Board may, within the cantonment, make provision for—

(i) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;

(ii) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;

(iii) reclaiming unhealthy localities;

(iv) furthering educational objects by measures other than the establishment and maintenance of primary schools;

(v) setting up or supporting higher schools, colleges and vocational, professional and special education.

(vi) constructing, and maintaining works and structures, including rainwater harvesting, for providing supply of water for public and private purposes;

(vii) constituting, maintaining and managing supply and distribution of electricity, including by exploiting non-conventional energy sources, to public and private premises;

(viii) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(ix) making a survey;

(x) giving relief on the occurrence of local epidemics, floods, famines or other natural calamities by the establishment or maintenance of relief work or otherwise;

(xi) securing or assisting to secure suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

(xii) establishing and maintaining a farm or other place for the disposal of sewage;

(xiii) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power work;

(xiv) establishing and maintaining cattle pounds;

(xv) arranging for civic reception with prior approval of the Officer Commanding the Station;

(xvi) providing housing accommodation for any class of inhabitants;

(xvii) conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment;

(xviii) developing land resources under the management of the Board;

(xix) preparing and implementing group housing schemes;

(xx) establishing and undertaking remunerative projects;

(xxi) developing small-scale and cottage industries;

(xxii) developing expertise in different areas of urban governance and local self-government to and able to provide consultancy to other Municipal and Development Authorities;

(xxiii) adopting any measure, other than a measure specified in section 62 or in the foregoing provisions of this section likely to promote the safety, health or convenience of the inhabitants of the cantonment;

(xxiv) establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;

(xxv) establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;

(xxvi) establishing theatres and cinemas;

(xxvii) organising and managing fairs and exhibitions;

(xxviii) constructing and maintaining—

(a) rest-houses;

(b) poor-houses;

(c) infirmaries;

(d) children's home;

(e) houses for deaf and dumb and for disabled and handicapped children;

(f) shelters for destitute and disabled persons;

(g) asylums for persons of unsound mind;

(h) old age homes;

(i) working women's hostels;

(xxix) establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;

(xxx) providing relief to destitute and disabled persons;

(xxxi) establishing and maintaining veterinary hospitals;

(xxxii) constructing and maintaining warehouses and godowns;

(xxxiii) constructing and managing garages, sheds and stands for vehicles and cattle sheds;

(xxxiv) constructing and managing community halls and convention halls;

(xxxv) holding seminars, workshops, public debates, and similar activities particularly on issues and rules and regulations of civic importance.

Explanation.—For the purposes of clause (xvii)—

(a) “conservation” means the supervision, management and maintenance of a place to retain its historical, architectural, aesthetic or cultural significance or of environment and includes the protection, improvement, preservation, restoration, reconstruction and adoption or a combination of more than one of these activities, and the use of such place in a way that ensure the social as well as economic benefits;

(b) “ancient and historical monuments, archaeological sites and remains or place of public importance” include buildings, artefacts, structures, areas, or precincts of historical or aesthetical or educational or scientific or cultural or environmental significance, and those natural features of environmental significance or scenic beauty, as may be declared by the Board.

(2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund or the cantonment development fund.

85. *Power of expenditure of educational, health and other purposes outside the cantonment.*—(1) A Board may make provision subject to availability of funds for—

(i) educational objects in a cantonment;

(ii) the objectives of public health and medical care;

(iii) works relating to water-supply, drainage and lighting;

(iv) the preservation, improvement and upgradation of environment,

outside the cantonment, if it is satisfied that the interests of the residents of the cantonment will be served thereby.